



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,650	06/16/2000	Yuan-Ping Pang	07039-161001	2600
26191	7590	10/28/2003	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA 60 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402			MAHATAN, CHANNING	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES DEPARTMENT OF COMMERCE

## U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

09595 650

EXAMINER

ART UNIT

PAPER

102003

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner for Patents

The amendment filed on 11 August 2003, wherein claims 37-54 have been amended to reflect a non-elected invention, is deemed non-responsive (M.P.E.P. § 821.03). Applicants' originally elected, without traverse, Group II (drawn to a simulated metal ion, i.e. a presentation of information), filed 17 May 2001. The amended claims 37-54 (filed 11 August 2003) are drawn to a "machine having a processor and a memory, the processor communicatively coupled to the memory, and the memory holding instructions (executable instructions) for performing a method" (method of Group I). The search required for amended claims 37-54 is the same search required for Group I, i.e. the prior art must be searched for the method steps of Group I. The originally elected Group II requires the search of the prior art for a machine with data storage means. The question of patentability does not hinge on the information which is stored therein, nor on the method used to generate that information. Thus, amendment filed 11 August 2003 is drawn to a non-elected invention. Applicants are directed to the "Petition Decision", mailed 22 November 2002, for guidance and support regarding the above said amendment deemed as non-responsive.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, Applicants are given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. § 1.136(a). It should be noted the previous communication (mailed July 2003) indicated the amendment, filed 08 May 2003, was also deemed non-responsive.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 C.F.R. § 1.6(d)). The CM1 Fax Center number is either (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Channing S. Mahatan whose telephone number is (703) 308-2380. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward, Ph.D., can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instruments Examiner, Tina M. Plunkett, whose telephone number is (703) 305-3524 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

Date: October 23, 2003

Examiner Initials: CSM

*Marianne P. Allen*  
MARIANNE P. ALLEN  
PRIMARY EXAMINER  
GROUP 1800  
A11631